IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 7 OF 2006
IN
CRIMINAL CONTEMPT PETITION NO.3 OF 2006

Pushpa Sharad Ranade ....Applicant.

V/s

Prachi Prakash Pandit & Ors. ....Respondents.

And

Prachi Prakash Pandit & Ors. ....Contemnors

Mr. M. Vasudeo with Mr. M.G. Gawde for the applicant.

Mr. O.J. Menezes with P.P. Prabha for respondent Nos. 4 and 5.

Mr. R.S. Tripathi for respondent Nos. 1 to 3.

Mrs. U. Kejriwal, APP for the respondent - State

CORAM: V.G. PALSHIKAR &
V.M. KANADE, JJ.

DATE : 13th July, 2006

P.C.:

1. By this application, the applicant seeks revocation of the earlier order passed on 27/3/2006 by which the contempt petition was ordered to be dismissed for non-prosecution, if objections were not removed in the stipulated time.

2. In the application, it is contended that due to oversight, the objections were not noticed and, therefore, not removed. The applicant desires to

prosecute the contempt proceedings earnestly and, therefore, prays that he be given an opportunity to do so on merits ignoring the technicalities involved.

3. The learned Counsel appearing on behalf of the respondents 1 to 3 submits that such an application for restoration is not permissible and places reliance on the Single Bench Judgment of this Court in the case of Panjabrao Sadashiorao Wankhede Vs. Rajeev Agrawal, reported in **2004(2) Mh.L.J. 1047** where the learned Single Judge has observed thus:-

> ".....an order dropping proceedings must be treated on the same footing as an order of acquittal as the proceedings had been dropped because of non appearance of the petitioner which the Court held as a lack of interest on the part of the petitioner in prosecuting the contempt petition....."

The order contemplated by the learned Single Judge was an order dropping the proceedings of contempt. Here, the proceedings of contempt were not dropped by the Court but were dismissed for non-removal of the office objections. This judgment, therefore, cannot be of any help to the Respondents/Contemnors.

4. Criminal Application is allowed. Contempt Proceedings are restored to the file. Objections be removed within one week. Office to proceed thereafter. Criminal Application is accordingly disposed of.

(V.G.PALSHIKAR, J.)

(V.M. KANADE, J.)